

RESOLUTION OF THE LOCAL PLANNING AGENCY OF  
THE TOWN OF FORT MYERS BEACH FLORIDA  
RESOLUTION NUMBER 2014-017  
VAR2014-0003 – King

WHEREAS, applicant Jay Ursoleo, authorized agent for Lance King, is requesting a variance from Table 34-3 of the Town of Fort Myers Beach Land Development Code; and

WHEREAS, the applicant has indicated that the STRAP number for the subject property is 33-46-24-W1-00205.0200 and the legal description of the subject property is attached as *Exhibit A*; and

WHEREAS, the subject property, 50 Dakota Avenue, Fort Myers Beach is located in the 'Residential Conservation' zoning district of the Official Zoning Map and the 'Mixed Residential' category of the Future Land Use Map of the Comprehensive Plan of the Town of Fort Myers Beach, Florida; and

WHEREAS, a public hearing on this matter was legally advertised and held before the Local Planning Agency (LPA) on September 9, 2014; and

WHEREAS, at the hearing the LPA gave full and complete consideration to the request of Applicant, recommendations of staff, the documents in the file, and the testimony of all interested persons, as required by Fort Myers Beach Land Development Code (LDC) Section 34-87.

IT IS HEREBY RESOLVED BY THE LPA OF THE TOWN OF FORT MYERS BEACH, FLORIDA, as follows:

Based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application and the standards for granting variances, the LPA recommends the following findings of fact, conditions for approval, and conclusions for consideration by the Town Council:

The LPA recommends that the Town Council **APPROVE** the applicant's request for a variance from Table 34-3 of the Town of Fort Myers Beach Land Development Code subject to the following condition:

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. That the request be approved only for the construction as noted on the plans submitted by the applicant.

**RECOMMENDED FINDINGS AND CONCLUSIONS:**

In accordance with the requirements of LDC Sections 34-84 and 34-87 regarding consideration of eligibility for a variance, the LPA recommends that the Town Council make the following findings and reach the following conclusions:

A. There **are** exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request **is** for a de minimis variance under circumstances or conditions where rigid compliance is not essential to protect public policy.

B. The conditions justifying the variance **are not** the result of actions of the applicant taken after the adoption of the regulation in question.

C. The variance granted **is** the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.

D. The granting of the variance **will not** be injurious to the neighborhood or otherwise detrimental to the public welfare.


E. The conditions or circumstances on the specific piece of property for which the variance is sought **are not** of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question.

The foregoing Resolution was adopted by the LPA upon a motion by LPA Member **Shamp** and seconded by LPA Member **Kakatsch**, and upon being put to a vote, the result was as follows:

Hank Zuba, Chair	AYE	Joanne Shamp, Vice Chair	AYE
Chuck Bodenhafer	EXCUSED	Al Durrett	AYE
John Kakatsch	AYE	Jane Plummer	AYE
Jim Steele	EXCUSED		

DULY PASSED AND ADOPTED THIS **9th** day of **SEPTEMBER, 2014**.

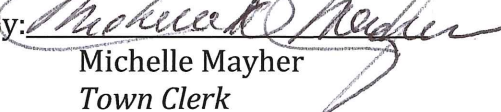
Local Planning Agency of the Town of Fort Myers Beach

By:   
Hank Zuba, LPA Chair

Approved as to legal sufficiency:

By:   
Gray|Robinson  
LPA Attorney

ATTEST:

By:   
Michelle Mayher  
Town Clerk

**EXHIBIT A**  
Legal Description

50 Dakota Avenue  
VAR2014-0003

LOT 20 AND THE SOUTHWESTERLY TWENTY-FIVE (25') FEET OF LOT 19 IN BLOCK 5 OF GULF HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 6 AT PAGE 39 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA PLUS THE WESTERLY SIX (6') FEET OF LOTS 21 AND 18 AS ABOVE SUBJECT TO AN EASEMENT OVER THE WESTERLY SIX (6') FEET OF LOTS 21 AND 18 FOR MAINTENANCE PURPOSE IN FAVOR OF LOT 21 IN BLOCK 5, GULF HEIGHTS SUBDIVISION, AND THE EASEMENT OVER THE NORTHEASTERLY TWELVE (12') FEET OF THE SOUTHWESTERLY TWENTY-FIVE (25') FEET OF LOT 19, BLOCK 5, GULF HEIGHTS SUBDIVISION FOR INGRESS EGRESS PURPOSE ONLY, AND AN EASEMENT TWELVE (12') FEET OF THE SOUTHWESTERLY TWENTY-FIVE (25') FEET OF LOT 19, BLOCK 5, GULF HEIGHTS SUBDIVISION FOR UTILITY PURPOSE ONLY.